IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO 7685 OF 2006

Smt.Vaishali Sandipan Kale & ors.)..Petitioners

Versus

Education Officer (Primary) Z.P.)
Solapur and Ors.)..Respondents

Mrs.Sujata Mogre for the petitioners.

Smt.S.S.Bhende AGP for respondent nos.2 & 3.

Mr.Nitin Jamdar for respondent nos.1 & 5.

Dr.(Miss) K.V.Velankar for respondent no.4.

Coram : S.B.Mhase &
R.S.Mohite,JJ

Date : 21.06.2007.

PC

1. This is a petition by the teachers of a primary school for release of their salaries. The Administrative officer of the primary school board, Solapur, stopped the salaries of the teachers because the food which is to be provided to the students was not being provided. Now the learned Counsel for the school board submitted a letter stating that the salaries of the said school are being released on condition that they should supply the food as per the Government policy, to the students. It is also made clear in the said letter that there is a dispute between the school

management and the management of the trust and they should solve their problem and implement the scheme for food to the students. Under these circumstances, what we find is that there is no fault with the school board and the school board is ready and willing to pay the salary. Therefore, the writ cannot go as against the school board.

2. If because of the dispute between the school management and the management of the trust and/or as a result of the dispute as to who is the head mistress, if the bills cannot be drawn for that purpose, the school board cannot be held responsible. It is for the school and the school management to solve the problem. Under these circumstances, the facts are disputed facts and therefore, it will be appropriate for the teachers to approach the Civil Court for the appropriate relief. We refrain to entertain the petition. The petition is therefore, rejected.

(R.S.Mohite,J) **(S.B.Mhase,J)**